

UNITED STATES DISTRICT COURT

for the
District of Arizona

In the Matter of the Search of
Information Associated with Instagram Account Pin:
Bee.Day5, User ID: 51101556997 that is Stored at Premises
Controlled by Meta Platforms, Inc.

Case No. 23-04090 MB

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Northern District of California:

As further described in Attachment A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal:

As set forth in Attachment B.

YOU ARE COMMANDED to execute this warrant on or before May 4, 2023 *(not to exceed 14 days)*
☐ in the daytime 6:00 a.m. to 10:00 p.m. ☒ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to any United States Magistrate Judge on criminal duty in the District of Arizona.

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized ☐ for 30 days *(not to exceed 30)* ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: _____

City and state: Flagstaff, Arizona

Camille D Bibles

Judge's signature

Honorable Camille D. Bibles, U.S. Magistrate Judge
Printed name and title

Digitally signed by Camille D
Bibles
Date: 2023.04.20 12:33:25 -07'00'

AO 93 (Rev. 01/09) Search and Seizure Warrant (Page 2)

RETURN

Case No.:

23-04090 MB

Date and Time Warrant Executed:

Copy of warrant and inventory left with:

Inventory Made in the Presence of:

Inventory of the property taken and name of any person(s) seized:

CERTIFICATION

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

*Executing officer's signature*_____
Printed name and title

ATTACHMENT A

Property to Be Searched

This warrant applies to records and information associated with an Instagram account with Instagram Pin: Bee.Day5, User ID: 51101556997 that are stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc., a company headquartered at 1601 Willow Road, Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Meta Platforms, Inc. (Meta)

To the extent that the information described in Attachment A is within the possession, custody, or control of Meta, regardless of whether such information is located within or outside of the United States, and including any emails, records, files, logs, or information that has been deleted but is still available to Meta, or has been preserved pursuant to a request made under 18 U.S.C. § 2703(f) on December 15, 2022, Meta is required to disclose the following information to the government for each account or identifier listed in Attachment A:

- A. All business records and subscriber information, in any form kept, pertaining to the Account, including:
 - 1. Identity and contact information (past and current), including full name, e-mail addresses, physical address, date of birth, phone numbers, gender, hometown, occupation, websites, and other personal identifiers;
 - 2. All Instagram usernames (past and current) and the date and time each username was active, all associated Instagram and Facebook accounts (including those linked by machine cookie), and all records or other information about connections with Facebook, third-party websites, and mobile apps (whether active, expired, or removed);
 - 3. Length of service (including start date), types of services utilized, purchases, and means and sources of payment (including any credit card or bank account number) and billing records;
 - 4. Devices used to login to or access the account, including all device identifiers, attributes, user agent strings, and information about

networks and connections, cookies, operating systems, and apps and web browsers;

5. All advertising information, including advertising IDs, ad activity, and ad topic preferences;
 6. Internet Protocol (IP) addresses used to create, login, and use the account, including associated dates, times, and port numbers, from November 1, 2022, to January 31, 2023;
 7. Privacy and account settings, including change history; and
 8. Communications between Meta and any person regarding the account, including contacts with support services and records of actions taken;
- B. All content (whether created, uploaded, or shared by or with the Account), records, and other information relating to videos (including live videos and videos on IGTV), images, stories and archived stories, past and current bios and profiles, posts and archived posts, captions, tags, nametags, comments, mentions, likes, follows, followed hashtags, shares, invitations, and all associated logs and metadata from November 1, 2022, to January 31, 2023;
- C. All content, records, and other information relating to communications sent from or received by the Account November 1, 2022, to January 31, 2023, including but not limited to:
1. The content of all communications sent from or received by the Account, including direct and group messages, and all associated multimedia and metadata, including deleted and draft content if available;
 2. All records and other information about direct, group, and disappearing messages sent from or received by the Account, including dates and times, methods, sources and destinations (including usernames and account numbers), and status (such as delivered, opened, replayed, screenshot);
 3. All records and other information about group conversations and video chats, including dates and times, durations, invitations, and participants (including usernames, account numbers, and date and time of entry and exit); and
 4. All associated logs and metadata;

- D. All content, records, and other information relating to all other interactions between the Account and other Instagram users November 1, 2022, to January 31, 2023, including but not limited to:
 - 1. Interactions by other Instagram users with the Account or its content, including posts, comments, likes, tags, follows (including unfollows, approved and denied follow requests, and blocks and unblocks), shares, invitations, and mentions;
 - 2. All users the account has followed (including the close friends list), unfollowed, blocked, unblocked, muted, restricted, or denied a request to follow, and of users who have followed, unfollowed, blocked, unblocked, muted, restricted, or denied a request to follow the account;
 - 3. All contacts and related sync information; and
 - 4. All associated logs and metadata;
- E. All records of searches performed by the account November 1, 2022, to January 31, 2023; and
- F. All location information, including location history, login activity, information geotags, and related metadata November 1, 2022, to January 31, 2023.

Meta is hereby ordered to disclose the above information to the government within 14 days of issuance of this warrant.

II. Information to be seized by the government

All information described above in Section I that constitutes evidence and instrumentalities of a violation of 18 U.S.C. §§ 2243(a), Sexual Abuse of a Minor, and occurring after November 1, 2022, including, for each account or identifier listed on Attachment A, information pertaining to the following matters:

- (a) Messages to juveniles offering alcohol or other items in exchange for sexual favors;

- (b) Messages to juveniles that threaten them or attempt to prevent them from notifying law enforcement;
- (c) Evidence indicating how and when the account was accessed or used, to determine the geographic and chronological context of account access, use, and events relating to the crime under investigation and to the email account owner;
- (d) Evidence indicating the email account owner's state of mind as it relates to the crime under investigation;
- (e) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s); and
- (f) The identity of any other person who communicated with the user ID about offers of alcohol or other items in exchange for sexual favors.

This warrant authorizes a review of electronically stored information, communications, other records and information disclosed pursuant to this warrant in order to locate evidence, fruits, and instrumentalities described in this warrant. The review of this electronic data may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, and technical experts. Pursuant to this warrant, the FBI may deliver a complete copy of the disclosed electronic data to the custody and control of attorneys for the government and their support staff for their independent review.

UNITED STATES DISTRICT COURT
for the
District of Arizona

In the Matter of the Search of
Information Associated with Instagram Account Pin:
Bee.Day5, User ID: 51101556997 that is Stored at Premises
Controlled by Meta Platforms, Inc.

Case No. 23-04090 MB

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

As further described in Attachment A

located in the Northern District of California, there is now concealed:

As set forth in Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code/Section</i>	<i>Offense Description</i>
18 U.S.C. Sections 1153 and 2243(a)	CIR: Sexual Abuse of a Minor

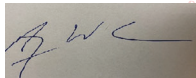
The application is based on these facts:

See attached Affidavit of Special Agent Timothy Wilkins.

☒ Continued on the attached sheet.

☐ Delayed notice of 30 days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA Anthony W. Church



Digitally signed by
ANTHONY CHURCH
Date: 2023.04.20 11:04:21
-07'00'

TIMOTHY WILKINS

Digitally signed by TIMOTHY WILKINS
Date: 2023.04.20 11:25:17 -07'00'

Applicant's Signature

Timothy J. Wilkins, FBI Special Agent

Printed name and title

Sworn to telephonically.

Date: _____

City and state: Flagstaff, Arizona

Camille D Bibles

Digitally signed by Camille D Bibles
Date: 2023.04.20 12:33:01 -07'00'

Judge's signature

Honorable Camille D. Bibles, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

Property to Be Searched

This warrant applies to records and information associated with an Instagram account with Instagram Pin: Bee.Day5, User ID: 51101556997 that are stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc., a company headquartered at 1601 Willow Road, Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Meta Platforms, Inc. (Meta)

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 - 1. Identity and contact information (past and current), including full name, e-mail addresses, physical address, date of birth, phone numbers, gender, hometown, occupation, websites, and other personal identifiers;
 - 2. All Instagram usernames (past and current) and the date and time each username was active, all associated Instagram and Facebook accounts (including those linked by machine cookie), and all records or other information about connections with Facebook, third-party websites, and mobile apps (whether active, expired, or removed);
 - 3. Length of service (including start date), types of services utilized, purchases, and means and sources of payment (including any credit card or bank account number) and billing records;
 - 4. Devices used to login to or access the account, including all device identifiers, attributes, user agent strings, and information about networks and connections, cookies, operating systems, and apps and web browsers;

5. All advertising information, including advertising IDs, ad activity, and ad topic preferences;
 6. Internet Protocol (IP) addresses used to create, login, and use the account, including associated dates, times, and port numbers, from November 1, 2022, to January 31, 2023;
 7. Privacy and account settings, including change history; and
 8. Communications between Meta and any person regarding the account, including contacts with support services and records of actions taken;
- B. All content (whether created, uploaded, or shared by or with the Account), records, and other information relating to videos (including live videos and videos on IGTV), images, stories and archived stories, past and current bios and profiles, posts and archived posts, captions, tags, nametags, comments, mentions, likes, follows, followed hashtags, shares, invitations, and all associated logs and metadata from November 1, 2022, to January 31, 2023;
- C. All content, records, and other information relating to communications sent from or received by the Account November 1, 2022, to January 31, 2023, including but not limited to:
1. The content of all communications sent from or received by the Account, including direct and group messages, and all associated multimedia and metadata, including deleted and draft content if available;
 2. All records and other information about direct, group, and disappearing messages sent from or received by the Account, including dates and times, methods, sources and destinations (including usernames and account numbers), and status (such as delivered, opened, replayed, screenshot);
 3. All records and other information about group conversations and video chats, including dates and times, durations, invitations, and participants (including usernames, account numbers, and date and time of entry and exit); and
 4. All associated logs and metadata;
- D. All content, records, and other information relating to all other interactions between the Account and other Instagram users November 1, 2022, to January 31, 2023, including but not limited to:

1. Interactions by other Instagram users with the Account or its content, including posts, comments, likes, tags, follows (including unfollows, approved and denied follow requests, and blocks and unblocks), shares, invitations, and mentions;
 2. All users the account has followed (including the close friends list), unfollowed, blocked, unblocked, muted, restricted, or denied a request to follow, and of users who have followed, unfollowed, blocked, unblocked, muted, restricted, or denied a request to follow the account;
 3. All contacts and related sync information; and
 4. All associated logs and metadata;
- E. All records of searches performed by the account November 1, 2022, to January 31, 2023; and
- F. All location information, including location history, login activity, information geotags, and related metadata November 1, 2022, to January 31, 2023.

Meta is hereby ordered to disclose the above information to the government within 14 days of issuance of this warrant.

II. Information to be seized by the government

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- (a) Messages to juveniles offering alcohol or other items in exchange for sexual favors;
- (b) Messages to juveniles that threaten them or attempt to prevent them from notifying law enforcement;

- (c) Evidence indicating how and when the account was accessed or used, to determine the geographic and chronological context of account access, use, and events relating to the crime under investigation and to the email account owner;
- (d) Evidence indicating the email account owner's state of mind as it relates to the crime under investigation;
- (e) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s); and
- (f) The identity of any other person who communicated with the user ID about offers of alcohol or other items in exchange for sexual favors.

This warrant authorizes a review of electronically stored information, communications, other records and information disclosed pursuant to this warrant in order to locate evidence, fruits, and instrumentalities described in this warrant. The review of this electronic data may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, and technical experts. Pursuant to this warrant, the FBI may deliver a complete copy of the disclosed electronic data to the custody and control of attorneys for the government and their support staff for their independent review.

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Timothy J. Wilkins, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with an Instagram user ID that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc. (“Meta”), a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Meta to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the user ID.

2. Your affiant is a Special Agent (SA) of the Federal Bureau of Investigation (FBI), and is currently assigned to the Pinetop/Lakeside, Resident Agency of the Phoenix, Arizona, FBI Field Division. Your Affiant has been employed as a Special Agent of the FBI since June 2014 and has received training at the Federal Bureau of Investigation Training Academy in Quantico, Virginia, as well as training in the investigation of death investigations, other violent crimes, and cyber-facilitated crimes. In the course of his official duties, your affiant is charged with the investigation of crimes occurring on (among other places) the Fort Apache Indian Reservation within the Federal District of Arizona.

3. This affidavit is made for the purpose of demonstrating probable cause for the issuance of a search warrant for information associated with Instagram Pin: Bee.Day5, User ID: 51101556997, belonging to Adam Begay, (hereinafter referred to as “Target Instagram Account”). The records and information associated with Target Instagram Account are currently located at Meta Platforms, Inc., a social networking company headquartered in Menlo Park, California.

4. Because this affidavit is made for the purpose of demonstrating probable cause for the issuance of the search warrant, it does not purport to set forth all your affiant’s knowledge of this investigation. Unless otherwise noted, wherever your affiant states that a statement was made, the information was provided by a witness or law enforcement officer (who may have had either direct or hearsay knowledge of the statement) to whom your affiant has spoken or whose report your affiant has read. All statements related herein, whether by law enforcement officers or not, are related in substance and in part unless otherwise indicated.

5. Based on your affiant’s training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. §§ 1153 and 2243(a) Sexual Abuse of a Minor have been committed. There is also probable cause to search the information described in Attachment A for evidence of these crimes, as described in Attachment B.

PROBABLE CAUSE

6. On December 7th, 2022, FBI Special Agent Tyler Woods was notified by the White Mountain Apache Tribal Police Department (WMAT PD) of a reported sexual assault of a 15-year-old female, Jane Doe 1. A child forensic interview was scheduled shortly afterwards, and a copy of the police report documenting the incident was obtained.

7. Based on WMAT PD Officer M. Ward's report, Jane Doe 1 told a nurse at Whiteriver Indian Hospital that an unknown male subject penetrated her vagina in exchange for alcohol. Jane Doe 1 was not interviewed further on December 7, 2022 because she was intoxicated.

8. On December 8, 2022, WMAT PD Officer Ward returned to Whiteriver Indian Hospital to interview Jane Doe 1. Jane Doe 1 said that on either Monday or Tuesday, [December 5 or 6, 2022] Jane Doe 1 got into a white vehicle with an unknown adult male (UNSUB) whom she had messaged on an Instagram account with username "B.Day5". UNSUB picked Jane Doe 1 up from her residence in Whiteriver, AZ. Jane Doe 1 didn't get a good look at UNSUB's face but she described him as wearing short pants, a gray hoodie, a hat and wearing a mask. Jane Doe 1 said UNSUB touched her thighs, unzipped her pants, and inserted a single finger into her vaginal area.

9. On January 25, 2023, Jane Doe 1 was forensically interviewed by FBI Certified Adolescent Forensic Interviewer (CAFI) Fiona Tuttle in Show Low, AZ. During the interview, Jane Doe 1 stated that she was at the interview because she "got sexually assaulted". Jane Doe 1 said in November or December of 2022, she needed a ride to be

with friends, so she asked UNSUB, who she met on Instagram for a ride. UNSUB used an Instagram account with the username "Bee.Day5" to text Jane Doe 1. Jane Doe 1 knew the time of year because it was getting cold outside. Jane Doe 1 messaged UNSUB at about 2:00 PM to 3:00 PM. UNSUB picked Jane Doe 1 up in a white car with tan seats by the side of the road near her residence in Whiteriver, AZ. UNSUB immediately drove the wrong way to get to where Jane Doe 1 needed to go. UNSUB drove by the baseball fields on the back roads through Dark Shadows and One Step neighborhoods. While driving, UNSUB touched Jane Doe 1's thighs and "touched [her] where he shouldn't be" and Jane Doe 1 started to cry. Jane Doe 1 stated UNSUB drove slowly while he touched her on her vagina over her clothes with his fingers. UNSUB tried to go through a hole in Jane Doe 1's ripped jeans, but she pushed his hand away. When asked further questions, Jane Doe 1 stated UNSUB put his fingers inside of her vagina. UNSUB stopped near a red building by the baseball fields. Jane Doe 1 was shaking and stated, "I was scared to do anything" and she said UNSUB was bigger than her. Jane Doe 1 stated the lap part of the seatbelt was getting in UNSUB's way. UNSUB took a minute to get through her tights and the hole in her pants. UNSUB touched the top and inside of Jane Doe 1's vagina for approximately two minutes and then on the top again. UNSUB then moved his hand to her thigh. Jane Doe 1 took off her seatbelt, got out of the car and went to a nearby youth center. Jane Doe 1 told UNSUB her dad would check on her and so UNSUB dropped her off. Jane Doe 1 went to her best friend to tell her what happened, and she started crying. Her friends walked her home. This same friend stated she too was communicating with UNSUB. Jane Doe 1

said UNSUB shares "bottles" and "weed" with them. Her friend said UNSUB tried the same thing with her and other girls. Jane Doe 1 said UNSUB lives next to the hospital with an older woman. Jane Doe 1 knows where UNSUB lives because of her friend R.L. All communication between UNSUB and Jane Doe 1 was through messaging on Instagram. Jane Doe 1 met UNSUB through her friend, C.B. Jane Doe 1 does not know UNSUB's name but refers to him as "drug dealer." UNSUB's profile picture had pictures of weed on it. UNSUB asked Jane Doe 1 if she wanted to hang out and do stuff together. UNSUB asked Jane Doe 1 if she wanted to make out with him. When Jane Doe 1 declined, UNSUB asked Jane Doe 1 to "get down with me." Jane Doe 1 stated this meant having sex together. UNSUB offered to give Jane Doe 1 bottles if she agreed. After the incident, UNSUB texted Jane Doe 1 and told her "Stop telling people what I did."

10. On April 12, 2023, your affiant received a Certificate of Indian Blood from the White Mountain Apache Tribe Department of Vital Records that indicated Jane Doe 1 is an enrolled member of the White Mountain Apache Tribe with a 4/4 quantum of tribal heritage.

11. On December 12, 2022, San Carlos Apache Tribal Police Department (SCAT PD) Officer Moore reported to your affiant that a 12-year-old female, Jane Doe 2, returned home to San Carlos, AZ from Whiteriver, AZ intoxicated. Jane Doe 2 said that she was at a hotel in Whiteriver, AZ where she was provided alcohol and pills and she woke up with her pants off at some point. A review of Jane Doe 2's phone indicated that she was in contact with a person on Instagram with a username of "Bee.Day5". A forensic interview

of Jane Doe 2 was scheduled shortly afterward but had to be postponed pending the completion of a mental health assessment for Jane Doe 2.

12. On January 4, 2023, your affiant was notified by FBI Victim Specialist Kathleen Lawler that S.D., Jane Doe 2's mother, reported Jane Doe 2 missing and S.D. suspected that Jane Doe 2 had left with an unknown male using the Instagram username "Bee.Day5". S.D.'s mother spoke with one of Jane Doe 2's friends who said Bee.Day5's real name may be Adam Patten. Jane Doe 2's Instagram username was provided as "Jane Doe22mid."

13. Your affiant applied for and received an emergency disclosure of registration information from Instagram for "Bee.Day5" and "JaneDoe22mid" accounts neither of which provided a cell phone number associated with the account. "Bee.Day5" had an email associated with the account of davadam67@gmail.com and an Instagram user ID of 51101556997 (Target Instagram Account).

14. On January 5, 2023, your affiant spoke with Jane Doe 1 at her residence in Whiteriver, AZ. Your affiant asked Jane Doe 1 to identify UNSUB's house on a map using a cell phone and she pointed out two locations at grids 33.8780773, -109.9639016 and 33.8778165, -109.9628656. Your affiant went to the locations and identified them as 507 Comanche Dr and 409 Apache Circle in Whiteriver, AZ on the Fort Apache Indian Reservation. Both residences were located inside the employee housing area for Whiteriver Indian Hospital. Your affiant next spoke with the security supervisor for Whiteriver Indian Hospital, who identified the occupants of the homes as J.B and T.S., respectively. An open

records search revealed a J.B. and an A.B. as occupants of 507 Comanche Drive. Your affiant and WMAT PD Officer Ray DiValentino went to 507 Comanche Dr and conducted an exigent circumstances search of the residence to see if Jane Doe 2 was there and prevent her from being harmed. A.B., two juvenile males, and a 12-year-old girl who identified herself as A.B.'s niece were there. A.B. was informed that a "health and welfare" check of the residence needed to be completed and everyone needed to exit the house. After everyone exited, your affiant entered the residence and searched for Jane Doe 2, but no person was found. Your affiant pulled the 12-year-old girl aside and out of earshot of A.B. and spoke with her. She said her name was T and she didn't live at the residence but, her father had dropped her off at A.B.'s house. T said she had been living in Whiteriver for approximately a year and went to school there. T denied going by the name Jane Doe 2 or having contact with someone named Jane Doe 2. Based upon your affiant's comparison of photos of Jane Doe 2 with T, it did not appear they were the same person. Jane Doe 2's mother reported that Jane Doe 2 returned to her residence in San Carlos, AZ later that day.

15. Instagram owns and operates a free-access social-networking website of the same name that can be accessed at <http://www.instagram.com>. Instagram allows its users to create their own profile pages, which can include a short biography, a photo of themselves, and other information. Users can access Instagram through the Instagram website or by using a special electronic application ("app") created by the company that allows users to access the service through a mobile device.

16. Instagram permits users to post photos to their profiles on Instagram and otherwise share photos with others on Instagram, as well as certain other social-media services, including Flickr, Facebook, and Twitter. When posting or sharing a photo on Instagram, a user can add to the photo: a caption; various “tags” that can be used to search for the photo (e.g., a user made add the tag #vw so that people interested in Volkswagen vehicles can search for and find the photo); location information; and other information. A user can also apply a variety of “filters” or other visual effects that modify the look of the posted photos. In addition, Instagram allows users to make comments on posted photos, including photos that the user posts or photos posted by other users of Instagram. Users can also “like” photos.

17. Upon creating an Instagram account, an Instagram user must create a unique Instagram username and an account password. This information is collected and maintained by Instagram.

18. Instagram asks users to provide basic identity and contact information upon registration and also allows users to provide additional identity information for their user profile. This information may include the user’s full name, e-mail addresses, and phone numbers, as well as potentially other personal information provided directly by the user to Instagram. Once an account is created, users may also adjust various privacy and account settings for the account on Instagram. Instagram collects and maintains this information.

19. Instagram allows users to have “friends,” which are other individuals with whom the user can share information without making the information public. Friends on

Instagram may come from either contact lists maintained by the user, other third-party social media websites and information, or searches conducted by the user on Instagram profiles. Instagram collects and maintains this information.

20. Instagram also allows users to “follow” another user, which means that they receive updates about posts made by the other user. Users may also “unfollow” users, that is, stop following them or block them, which prevents the blocked user from following that user.

21. Instagram allow users to post and share various types of user content, including photos, videos, captions, comments, and other materials. Instagram collects and maintains user content that users post to Instagram or share through Instagram.

22. Instagram users may send photos and videos to select individuals or groups via Instagram Direct. Information sent via Instagram Direct does not appear in a user’s feed, search history, or profile.

23. Users on Instagram may also search Instagram for other users or particular types of photos or other content.

24. For each user, Instagram also collects and retains information, called “log file” information, every time a user requests access to Instagram, whether through a web page or through an app. Among the log file information that Instagram’s servers automatically record is the particular web requests, any Internet Protocol (“IP”) address associated with the request, type of browser used, any referring/exit web pages and associated URLs, pages viewed, dates and times of access, and other information.

25. Instagram also collects and maintains “cookies,” which are small text files containing a string of numbers that are placed on a user’s computer or mobile device and that allows Instagram to collect information about how a user uses Instagram. For example, Instagram uses cookies to help users navigate between pages efficiently, to remember preferences, and to ensure advertisements are relevant to a user’s interests.

26. Instagram also collects information on the particular devices used to access Instagram. In particular, Instagram may record “device identifiers,” which includes data files and other information that may identify the particular electronic device that was used to access Instagram.

27. Instagram also collects other data associated with user content. For example, Instagram collects any “hashtags” associated with user content (i.e., keywords used), “geotags” that mark the location of a photo and which may include latitude and longitude information, comments on photos, and other information.

28. Instagram also may communicate with the user, by email or otherwise. Instagram collects and maintains copies of communications between Instagram and the user.

29. As explained herein, information stored in connection with an Instagram account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, an Instagram user’s account activity, IP log, stored electronic

communications, and other data retained by Instagram, can indicate who has used or controlled the Instagram account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile contact information, direct messaging logs, shared photos and videos, and captions (and the data associated with the foregoing, such as geolocation, date and time) may be evidence of who used or controlled the Instagram account at a relevant time. Further, Instagram account activity can show how and when the account was accessed or used. For example, as described herein, Instagram logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Instagram access, use, and events relating to the crime under investigation. Additionally, Instagram builds geo-location into some of its services. Geolocation allows, for example, users to “tag” their location in posts and Instagram “friends” to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the Instagram account owner. Lastly, Instagram account activity may provide relevant insight into the Instagram account owner’s state of mind as it relates to the offense under investigation. For example, information on the Instagram account may indicate the owner’s motive and intent to commit a crime (e.g., information indicating a

plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

30. Therefore, the computers of Meta are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Instagram, such as account access information, transaction information, and other account information.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

31. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), by using the warrant to require Meta Platforms, Inc. to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

32. Based on the foregoing, I submit that there is probable cause that UNSUB has committed the federal crime of 18 U.S.C. §§ 1153 and 2243(a), Sexual Abuse of a Minor and that the requested warrant will reveal information to help identify UNSUB and additional information related to potential crimes. For these reasons, I request the Court issue the proposed search warrant.

33. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

34. Because the warrant will be provided to Meta, which will search for and provide the information at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

Respectfully submitted,

TIMOTHY WILKINS

Digitally signed by TIMOTHY
WILKINS
Date: 2023.04.20 11:26:06 -07'00'

Timothy J. Wilkins
Special Agent
Federal Bureau of Investigation

Sworn before me this _____ day of April 2023.

**Camille D
Bibles**

Digitally signed by
Camille D Bibles
Date: 2023.04.20 12:32:33
-07'00'

Honorable Camille D. Bibles
United States Magistrate Judge